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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**CIVIL MINUTES – GENERAL**

Case No.	<b>CV 12-08238-BRO(PJWx)</b>	Date	December 19, 2013
Title	<b>Humberto Daniel Klee, et al., v. Nissan North America, Inc., et al</b>		

Present: The Honorable **BEVERLY REID O'CONNELL, United States District Judge**

Renee A. Fisher

Not Present

N/A

Deputy Clerk

Court Reporter

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings: (IN CHAMBERS) ORDER RE RECUSAL**

Before the Court is the parties' Motion for Final Approval of Class Action Settlement and Motion for Attorneys' Fees. (Dkt. Nos. 66, 46). On November 18, 2013, the parties appeared before the Court seeking final approval of their negotiated settlement. In addition, an objector to the settlement appeared, after having previously filed a brief objecting to the settlement. The Objector, although appearing in his personal capacity serves as the Chief Judge of the Ninth Circuit Court of Appeals. In his professional capacity, the Objector sits on panels that decide appeals from this court, makes decisions regarding sitting by designation on the court of appeals, and reviews complaints of judicial misconduct involving district judges within the circuit. *See* 28 U.S.C. §§ 292, 352. The Objector has filed briefs and appeared in court, objecting to the proposed settlement. The question arises whether this Court should recuse itself.

Canon 3C(1) of the Code of Conduct for United States Judges requires a judge to recuse herself "in a proceeding in which the judge's impartiality might reasonably be questioned." Canon 3C's language mirrors the language of the recusal statute, 28 U.S.C. § 455. The Court concludes that a reasonable person might question this Court's impartiality in deciding the issue. For example, if the Court were to disapprove the settlement, a reasonable person might question whether the Court's actions were a result of the Objector's participation in the lawsuit. If the Court were to approve the final settlement, a reasonable person might question whether the Court was favoring the other side. This, as a result, implicates Canon 3C. Accordingly, the Court hereby RECUSES itself.

**IT IS SO ORDERED.**

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